

LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

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DATE: SEPTEMBER 3, 2004
FROM: SAMUEL MARTINEZ, LAFCO Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #6 – LAFCO 2958: City of Colton Reorganization to Include South Annexation No. S-50 (Subarea Nos. 1-4)

INITIATED BY:

City Council Resolution, City of Colton

RECOMMENDATION:

1. Adopt the statutory exemption that has been recommended for this proposal and direct the Clerk to file a Notice of Exemption within five (5) days of this action;
2. Approve LAFCO 2958: City of Colton Reorganization to Include South Annexation No. S-50 (Subarea Nos. 1-4) as island annexations, as such are defined in Government Code Section 56375.3;
3. Waive protest proceedings, as authorized by Government Code Section 56375.3; and,
4. Adopt LAFCO Resolution #2844 setting forth the Commission's findings and determinations concerning this proposal.

BACKGROUND:

LAFCO 2958 proposes annexation of four islands of unincorporated territory within the City of Colton's sphere of influence. The reorganization, as initiated by the City, has been initiated as a single application as allowed by Government Code Section 56375(a) (3). The location of the four separate islands, comprising a total of 106.6 +/- acres, is generally defined as follows:

Island 1 (identified as Subarea 1) comprises 10.7 +/- acres and is totally surrounded by City of Colton boundaries. The area is generally bordered on the north by parcel boundaries, on the east by Bostick Avenue, on the south by the natural extension of Litton Avenue and on the west by parcel boundaries.

Island 2 (identified as Subarea 2) comprises 36.5 +/- acres and is totally surrounded by City of Colton boundaries. The area is generally bordered on the east by Rosedale Avenue, and on the south, west and north by parcel boundaries.

Island 3 (identified as Subarea 3) comprises 24.2 +/- acres and is surrounded by city boundaries. The area is generally bordered on the north by Palm Avenue (existing City of Grand Terrace boundary), on the east by parcel boundaries generally west of the Atchison, Topeka & Santa Fe Railroad lines, on the south by parcel boundaries, and on the west by a combination of Rosedale Avenue and La Cadena Drive – the east, south and west boundaries being existing City of Colton boundaries.

Island 4 (identified as Subarea 4) comprises 35.2 +/- acres and is surrounded by city boundaries. The area is generally bordered on the east by the Atchison, Topeka and Santa Fe Railroad lines (existing City of Grand Terrace boundary), on the south by parcel boundaries (existing City of Grand Terrace boundary), on the west and north by parcel boundaries – the west and north being existing City of Colton boundaries.

Location and vicinity maps are included as Attachment #1 to this report.

In staff's view, this proposal is a ministerial action for the Commission. Government Code Sections 56375 and 56375.3 require the Commission to approve the annexation of island territory if several basic findings are made concerning the size of the islands, the configuration of city boundaries, the lack of prime agricultural land within the island areas, the presence of development in the areas, and the ability of the study areas to benefit from the use of municipal services from the City. Copies of these Code Sections are included for Commission review as Attachment #2 to this report.

If the Commission makes the statutory findings for LAFCO 2958, as outlined below, then State law requires that the Commission approve this annexation and waive the protest proceedings, as authorized by Government Code Section 56375.3.

The existing land uses within and surrounding the four subareas are as follows:

Subarea 1 – A mix of single-family residences and vacant lands within and surrounding the area.

Subarea 2 – A mix of single-family residences, vacant lands, and orange groves within the area; and a mix of single-family residences and vacant lands surrounding the area.

Subarea 3 – A mix of single-family residences and commercial buildings within the area; and a mix of single-family residences, commercial, and vacant lands surrounding the area.

Subarea 4 – A mix of vacant lands and one single-family residence within the area; and a mix of single-family residences, commercial buildings and vacant lands surrounding the area.

The City of Colton has pre-zoned the four subareas as determined through the City's consideration of Prezone DAP 000-030 (Ordinance No. 0-13-03) which was adopted on July 15, 2003. Below is a comparison of the City's and the County's land use designations for the four subareas, which show that the land use determinations for the City are generally compatible with the County's current designations.

AREA	City's Pre-zone Land Use Designations	County's Land Use Designations
Subarea 1	R1 - Low Density Residential	RS-20M
Subarea 2	R1 - Low Density Residential	RS-10M, RS-12M, & RS-20M
Subarea 3	IP - Industrial Park	CN (Neighborhood Commercial), CG (General Commercial), & IC (Community Industrial)
Subarea 4	IP - Industrial Park	RL-5 (Rural Living, 5 acres minimum parcel size)

The City of Colton has submitted a plan for municipal services as required by state law and Commission policy. The plan is attached to this report for Commission review as Attachment #3, and in general, identifies the following:

- Sewage collection will be available to the properties within the annexation areas. The City of Colton has indicated that the four subareas can be included in the Colton Wastewater Service Area. However, the existing developed parcels within these four areas are presently on septic systems.
- Water service:
 - Subarea 1 is currently in the Riverside Highland Water Company (RHWC) Service Area. The City of Colton has indicated that no change in service is contemplated.

- Subarea 2 is currently in the RHCW Service Area. The City of Colton has indicated that RHCW will continue to provide service.
- Subarea 3 is currently served by both the City of Colton and the RHCW. The City of Colton and RHCW will continue to provide service.
- Subarea 4 is currently served by the City of Colton providing domestic as well as temporary landscaping water. The area can be included in the Colton Water Service Area.
- Fire protection and paramedic services are currently provided by County Service Area 38 and would be replaced by the Colton Fire Department upon annexation. The City anticipates that the same level of service can be provided at minimal additional cost.
- Law enforcement will shift from the County Sheriff's Department to the Colton Police Department. The City indicates that no additional facilities or equipment are required, and anticipates that the same level of service can be provided at minimal additional cost.
- Refuse collection is currently provided by Waste Management of the Inland Empire. The City provider of this service is Colton Disposal. State law requires that the existing refuse provider be allowed to phase out the service, for a period not to exceed five years.
- The City of Colton will allow the existing electric service provider, Southern California Edison (SCE), to remain until such time that the City of Colton can provide such service by either acquiring SCE facilities and/or by building new Colton facilities in the area.

As required by Commission policy and State law, the Plan for Services submitted by the City of Colton shows that the extension of its services will maintain, and/or exceed, current service levels provided through the County.

LAFCO staff has asked the City of Colton what the financial effects would be to current and future residents of the area being annexed. The City responded that the only financial effect would be the imposition of the Utility Users Tax (residential - 4%; commercial - 6%), levied by the City of Colton on all utility services. This fee will begin within 90 days upon completion of the annexation. Also, existing and future business owners within the area of consideration would be subject to the imposition of the City's business license, which includes the requirement of a business or home occupancy permit as well as a sign permit.

Staff has provided nearly 700 notices to landowners and registered voters within and surrounding the annexation areas, notifying them of the Commission's consideration. To date, staff has not received any written protests on the proposal; however, this finding will be updated at the hearing.

MANDATORY ISLAND ANNEXATION FINDINGS:

It is staff's view that the Commission must approve the reorganization as presented by LAFCO 2958 based on the following findings required by Government Code Section 56375.3 for island annexations:

- Each of the study areas is less than 75 acres, and consists of the entire island of unincorporated territory.
- The study areas are surrounded by the city to which annexation is proposed or by an adjacent city boundary, and that the areas are within the City of Colton's sphere of influence.
- The study areas are substantially developed or developing, based on findings that there is the availability of public services, there is the presence of public improvement in the areas, and there is physical improvement on many, if not most, of the properties.
- There is no prime agricultural land within the study areas.
- The study areas have benefited, and will benefit from the availability of municipal services from the City of Colton.

Staff suggests that, in its view, these findings are clear; therefore, the Commission is required by Government Code Section 56375(a) to approve this reorganization and waive the protest proceedings.

FINDINGS:

The following findings are required to be provided by Commission policy and Government Code Section 56668 for all proposals considered:

1. The Registrar of Voters has determined that the reorganization is legally inhabited, with the following determinations as to the number of voters for each area as of May 27, 2004:

AREA	Registered Voters
Subarea 1	30
Subarea 2	16
Subarea 3	26
Subarea 4	1

2. The County Assessor has determined that the value of land and improvements within the reorganization area is \$6,495,291 (\$1,960,494 - value of land; \$4,534,797 -- value of improvements).

Subarea 1	Land	\$ 683,710
	Improvement	\$ 2,168,175
Subarea 2	Land	\$ 352,001
	Improvement	\$ 825,053
Subarea 3	Land	\$ 826,075
	Improvement	\$ 1,443,462
Subarea 4	Land	\$ 98,708
	Improvement	\$ 98,107

3. Legal advertisement of the Commission's consideration has been provided through publications in *The Sun* and the *Colton Courier*, newspapers of general circulation in the area.
4. Individual notice has been provided to registered voters and landowners within the reorganization area, and to all voters and landowners located within roughly 1,350 feet of the exterior boundaries of the reorganization site. Approximately 700 individual notices have been provided for this hearing.

Comments from landowners and affected local agencies have been reviewed and considered by the Commission in making its determinations. To date, no protest has been received.

5. The City of Colton has pre-zoned the study areas through it's consideration of Prezone DAP 000-030 (Ordinance No. 0-13-03) on July 15, 2003. The land use designations to be applied to each of the subareas upon annexation are:

Subarea 1	R1 (Low Density Residential)
Subarea 2	R1 (Low Density Residential)
Subarea 3	IP (Industrial Park)
Subarea 4	IP (Industrial Park)

Pursuant to the provisions of Government Code Section 56375(e), these zoning designations shall remain in effect for two years following annexation unless specific actions are taken by the City Council.

6. The Commission's environmental consultant, Tom Dodson and Associates, has indicated that the review of this reorganization is statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the Commission's approval of this application is a ministerial action that is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15268. A copy of Mr. Dodson's report is included for the Commission's review as Attachment #4.
7. The areas in question are presently served by the following local agencies:

County of San Bernardino
San Bernardino Valley Municipal Water District
Riverside Corona Resource Conservation District
County Service Area 38 (fire protection)
County Service Area 70 (multi-function unincorporated area
Countywide)

CSA 38 and CSA 70 will be detached from the areas upon successful completion of the reorganization pursuant to the provisions of Government Code Section 25210.90. No other agencies will be affected by this proposal as they are regional service providers.

8. The City of Colton has submitted a "Plan for Service" as required by law which indicates that the City can, at a minimum, maintain the level of service delivered and can improve the level and range of selected services currently available in the areas. (See Attachment #3).
9. The study areas can benefit from the availability and extension of municipal services from the City of Colton.
10. The reorganization proposal complies with Commission policies and directives and State law that indicate the preference for all island areas to be included within the boundaries of the City surrounding them.
11. This proposal will assist in the City's ability to achieve its fair share of the regional housing needs since the current/proposed land use designations in two of the four subareas permit the development of additional residential units.
12. The County of San Bernardino and the City of Colton have successfully negotiated a transfer of property tax revenues that will take effect upon completion of this annexation. This negotiated agreement fulfills the requirement of Section 99 of the Revenue and Taxation Code.

13. Maps and legal descriptions, as revised, are in substantial compliance with LAFCO and state standards through certification by the County Surveyor's Office.

CONCLUSION:

It is the staff's position that LAFCO 2958 is essentially a ministerial action. The Commission is required by Government Code Section 56375(a) to approve this proposal if it makes the mandatory findings outlined in Section 56375.3. We believe those findings are easily made in this case, as follows:

- The study areas consist of a total of 106.6 +/- acres. The following are the acreage of each subarea:

Subarea 1 - 10.7 +/- acres
Subarea 2 - 36.5 +/- acres
Subarea 3 - 24.2 +/- acres
Subarea 4 - 35.2 +/- acres

Thus, each island is less than the 75 acre threshold.

- The study areas are surrounded by the city to which annexation is proposed or by an adjacent city boundary:
 - Subarea 1 is totally surrounded by City of Colton boundaries.
 - Subarea 2 is totally surrounded by City of Colton boundaries.
 - Subarea 3 is surrounded on the north by the City of Grand Terrace; on the east, south and west by City of Colton boundaries.
 - Subarea 4 is surrounded on the east and south by the City of Grand Terrace; on the west and north by City of Colton boundaries.

And all the study areas are wholly within the City of Colton's sphere of influence;

- The areas are substantially developed or developing based on the presence of existing development in all of the subareas and the availability of public services in each of the subareas as indicated in the Plan for Service;
- The areas do not contain any prime agricultural land based on the pre-zoning and the environmental assessment documents prepared by the City of Colton. The City Council considered and subsequently adopted on July 15, 2003 the pre-zoning through Ordinance No. 0-13-03, that

clearly states that there are no prime agricultural land within the four subareas; and

- The areas can benefit from the availability of municipal services from the City of Colton as reflected in the Plan for Service.

If the Commission concurs with these staff findings, then it is required to approve this proposal and waive the protest hearing as part of its approval of this application, regardless of any protest that might be submitted for this item.

Attachments:

1. Maps of Annexation Areas
2. Government Code Sections 56375 and 56375.3
3. City of Colton's Application and Plan for Service
4. Environmental Review Document
5. Draft Resolution #2844